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| EXAMINER |
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NGUYEN, VAN H

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2194

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/250,027 | Applicant(s) AHMED ET AL. | |
| | Examiner VAN H. NGUYEN | Art Unit 2194 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-9 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-9 and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to the amendment filed 11/13/2007.

Claims 7-9 and 21-28 are currently pending in this application.

Claim Objections

2. Claim 21 is objected to because of the following minor informalities:

- “*a server*” (line 7) should read “*a server*;;”
- “*events and*” should read “*events*;; *and* ”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to independent claim 21:

- the term “*a server*” (lines 9 and 11-12) renders the claim indefinite. It is not clear if it is referring to “*a server*” recited at line 7.
- the term “*the client application*” (line 12) lacks antecedent basis.
- the term “*other client applications*” (line 15) renders the claim indefinite. It is not clear if it is referring to “*other client applications*” recited at lines 8-9.

As to independent claim 25:

The claimed “*selecting some or all or none of the one or more events stored in the storage means... responsive to the selection of the some or all or none of the one or more events by the comparison means for transmitting the some or all or none of the one or more events from the client application directly to the other client applications, without going through the server*” is unclear. Clarification is required.

Dependent claims 26-28 are rejected for fully incorporating the deficiencies of their base claim.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. CIT. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Uogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 C.F.R.' 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R.' 1.78(d).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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Claims 7-9 and 21-28 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-57 of U.S. Pat. No. 6, 647,432.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant application and the Patent'432 are claiming common subject matter. The differences between the claims in the instant application and the claims in Application'432 would have been obvious to a person of ordinary skill in the art at the time the invention was made, since the claims in the instant application represent the invention in broader scope.

Claims 7-9 and 21-28 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Pat. No. 6, 073, 139.

Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant application and the Patent'139 are claiming common subject matter. The differences between the claims in the instant application and the claims in Application'139 would have been obvious to a person of ordinary skill in the art at the time the invention was made, since the claims in the instant application represent the invention in broader scope.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 7, 21, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Hager et al.** (US 6532498 B1) in view of **Franklin et al.** (US 5214756 A).

As to claim 7:

Hager teaches (see the Abstract; col.2, lines 27-57; and col.3, line 52-col.6, line 42) apparatus adapted to be disposed within a first client application for intercommunicating with a second client application, comprising:

setup means including predefinition storage means for selectively predefining and storing one or more events, one or more interest objects corresponding respectively to the one or more events, and one or more functions corresponding respectively to the one or more events, the one or more events including a particular event;

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input means for receiving an input from an operator corresponding to the practice of the particular event by the operator in 1 the first client application and for presenting one or more functions to the operator in response to receipt of a second event; and

transmission and reception means for: receiving an interest object corresponding to the particular event transmitted from the second client application via a server to be stored in the predefinition storage means.

Hager, however, does not specifically teach transmitting a set of information associated with the particular event stored in the predefinition storage means directly to the second client application without going through the server when the particular event is practiced by the first client application in response to the input provided by the operator via the input means.

Franklin teaches transmitting a set of information associated with the particular event stored in the predefinition storage means directly to the second client application without going through the server when the particular event is practiced by the first client application in response to the input provided by the operator via the input means (col.2, lines 22-47 and col.3, line 65-col.4, line 55).

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hager with Franklin because it teaching would have facilitated the communications between the applications.

As to claim 21:

The rejection of claim 7 above is incorporated herein in full. Hager teaches (see the Abstract; col.2, lines 27-57; and col.3, line 52-col.6, line 42) client application apparatus, comprising:

storage means for storing a plurality of events, a plurality of functions associated, respectively, with the plurality of events, and a plurality of interest objects associated, respectively, with the plurality of events;

transmission and reception means for: transmitting a first set of one or more of the plurality of interest objects to other client applications via a server; receiving a second set of one or more of the plurality of interest objects from other client applications via a server; receiving one or more of the plurality of events, corresponding to the first set of interest objects, sent directly from other client applications when an operator of one or more of the other client applications practices one or more of the plurality of events; and

input means for making a events-to-be-transmitted selection for which of the plurality of events stored in the storage means will be transmitted to the other client applications and

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for making a events-to-be-received selection for which of the plurality of events stored in the storage means will be received from the other client applications and generating a signal in response thereto representative of the events-to-be-transmitted selection and of the events-to-be-received selection; and

wherein the transmission and reception means is responsive to the signal from the input means to transmit the events-to-be-transmitted selection of events and to receive the events-to-be-received selection of events.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Hager with Franklin because it teaching would have facilitated the communications between the applications.

As to claim 25:

The rejection of claim 7 above is incorporated herein in full. The combination of Hager and Franklin teaches:

a workstation based system comprising: a display screen for displaying one or more windows; a plurality of client applications for presenting the one or more windows on the display screen for viewing by an operator (Hager: col.3, line 52-col.6, line 42);

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icon generating means for generating an icon in the window on the display screen of said each said client application, the icon being operative responsive to a signal generated in response to input from the operator (Franklin: col.3, line 65-col.4, line 55);

storage means for storing a plurality of events and a corresponding plurality of functions and a corresponding plurality of interest objects (Hager: col.3, line 52-col.6, line 42);

transmission and reception means for receiving one or more of the interest objects from one or more of the other client applications via a server (Hager: col.3, line 52-col.6, line 42);

comparison means responsive to the input signal from the icon for comparing the one or more interest objects received in the transmission and receptions means with the plurality of interest objects stored in the storage means and identifying one or more events stored in the storage means when the one or more interest objects received in the transmission and reception means corresponds to one or more of the plurality of interest objects stored in the storage means (Franklin: col.3, line 65-col.4, line 55);

the comparison means selecting some or all or none of the one or more events stored in the storage means, identified by the comparison means, in response to the input signal from the icon (Franklin: col.3, line 65 - col.4, line 55).

As to claim 26:

Franklin teaches the icon generating means generates an open state status icon, the comparison means selecting all of the one or more events stored in the storage means, the framework means transmitting all of the one or more events to the other client applications (col.3, line 65 - col.4, line 55).

As to claim 27:

Franklin teaches the icon generating means generates a closed state status icon, the comparison means selecting none of the one or more events stored in the storage means, the framework means transmitting none of the one or more events to the other client applications (col.3, line 65 - col.4, line 55).

As to claim 28:

Franklin teaches the icon generating means generates an event filter the storage means, the framework means transmitting the selected events to the other client applications (col.3, line 65 - col.4, line 55).

Indication of Allowable Subject Matter

6. Claims 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 8 and 9 are also subject to the obviousness-type double patenting rejections detailed above, and subject to a final search.

Claims 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 22-24 are also subject to the objections, 112, and obviousness-type double patenting rejections detailed above, and subject to a final search.

Response to Arguments

7. Applicant's arguments with respect to claims 7-9 and 21-28 have been considered but are moot in view of the new ground(s) of rejection.

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Contact Information

8. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM-6:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MENG-AI AN can be reached at (571) 272-3756.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN H NGUYEN/

Primary Examiner, Art Unit 2194